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Application Number: 10/078,497

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant : Avi CHRIQUI
Appl. No. : 10/078,497
Filed : 21 February 2002
Title : METHOD FOR MAKING INSTANT MINI-PASTA

OFFICIAL

Group Art Unit: 1761
Examiner : Lien T. Tran
Docket No. : 1054AVI-US
Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR §1.132

I, Avi Chriqui, President of Couscous Food Ltd., PO Box 8062, Netanya 42170, Israel, am the sole inventor of the instant application, and I hereby declare that:

The instant application, inter alia, is directed to an instant maftul and a method for preparation thereof. Instant pasta is known, such as instant couscous. I myself have developed an instant couscous mix, made from semolina, which has enjoyed much commercial success.

Maftul is made from flour, unlike couscous which is made from semolina. Some people thought it was possible to simply substitute flour for semolina in order to prepare a mix for instant maftul. However, I have found that flour behaves differently from semolina and I was unable to apply my own method for making instant couscous in order to make instant maftul. One of the problems was that the maftul made from flour would be sticky and pasty after cooking or after rehydration. This adversely affects the mouthfeel of traditional maftul which has a certain airiness and should not be pasty.

I attach herewith to my declaration an article downloaded on October 13, 2002, from the worldwide website barilla.com/ricette, which outlines some of the differences between semolina and flour. The article states, "The average size of a particle of durum wheat semolina is approximately 250-300 microns, while the size of a particle of common wheat flour is about 100 microns. Semolina particles have sharp edges obtained through a special grinding process. Common wheat flour is nearly always white, while semolina has an amber yellow color. Pasta can also be made from flour, but it's white, doesn't maintain its consistency after cooking and tends to stick: Consumers judge these attributes as indicators of poor quality."

I have seen and studied the US Patent 5427809 to Donnely et al., and I understand that the Examiner feels that given the process described in the background of Donnely et al. for making instant couscous, it would have been obvious to the skilled artisan to substitute flour for semolina to make maftul.

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Being the President of Couscous Food Ltd., and having developed an instant couscous mix made from semolina, I believe I qualify as one skilled in the art, and I declare that it is not obvious at all to simply substitute flour for semolina to make maftul, and moreover, simply substituting flour for semolina in the process described in the background of Donnely et al. for making instant couscous does not work to produce instant maftul.

Quoting from the background of Donnely et al., "As in the traditional method, the first step of the known commercial method is that of blending water and semolina until optimum agglomeration or granule formation is achieved...A mechanical mixer such as a paddle mixer is used for this step and the mixing takes about 3 minutes to provide granules of a moisture content of about 30-35%...The next step of the known commercial method involves feeding the coarse, irregularly shaped and random-sized moist granules into a detacher where the granules of oversize are reduced and those of proper size are strengthened and shaped to form the couscous agglomerates...Thereafter wet sifting may be done to separate undesired fines and oversized particles from the proper size range for the agglomerates...Next the couscous agglomerates are passed on a conveyor belt through a steam cooking operation. This steaming step takes about 8 minutes at a temperature of about 180° C. The moisture of the couscous product is elevated to about 37% by weight by the time the product exits the steaming operation...The agglomerates are then dried in climate-controlled dryers...Drying is conducted until the product moisture is reduced below 13%, preferably to 10-12%..."

The process I developed and use for making instant couscous mix is basically similar to the above, albeit with some differences in the cooking times and temperatures. In any case, I have found that following my recipe or that mentioned above from Donnely et al., produces sticky, pasty maftul with very little airiness and no traditional mouthfeel.

The Donnely et al. reference is silent about sifting prior to blending with water and makes it sound as if sifting makes no difference. I have found, on the contrary, that proper sifting of the flour, using a different size sieve than that used for sifting semolina, makes a significant difference. In the preparation of instant couscous, a No. 20 sieve is used to sift the semolina. I have found that sifting the flour using a No. 20 sieve produces sticky, pasty maftul with very little airiness and no traditional mouthfeel. Instead, using approximately a No. 40 sieve produces maftul with the desired airiness and traditional mouthfeel. I believe the No. 40 sieve produces the best results, but No. 35 and 45 can be used as well.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Avi Chriqui
President, Couscous Food Ltd

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A) Raw materials**1) Why is durum wheat semolina used for making pasta?**

Because pasta originated in the south of Italy, where quantities of durum wheat were available. The tradition was consolidated through time and has been made "official" by Italian Law (Law 580 of 1967, called the "Law of Purity"), which obliges Italian pasta producers to use exclusively durum wheat semolina.

2) What's the difference between durum wheat and common wheat?

Durum wheat and common wheat are two different crops. The semolina used for producing pasta is obtained by grinding durum wheat. Flour, used for baked goods in general, is obtained from grinding common wheat. The pasta made using semolina is high quality because the proteins it contains have an elevated quantity of gluten and glutenin, which are the "bricks" for building gluten.

3) What difference is there between semolina and flour?

The average size of a particle of durum wheat semolina is approximately 250-300 microns, while the size of a particle of common wheat flour is about 100 microns. Semolina particles have sharp edges obtained through a special grinding process. Common wheat flour is nearly always white, while semolina has an amber yellow color. Pasta can also be made from flour, but it's white, doesn't maintain its consistency after cooking and tends to stick. Consumers judge these attributes as indicators of poor quality. The pasta obtained from semolina is ochre yellow and - if produced well - always "al dente".

4) Could pasta made with common wheat take the place of durum-wheat pasta?

In Italy, pasta made with common wheat can be sold, but not produced: Italian law is one of the most stringent in the world and specifies that pasta made in Italy must be obtained exclusively from durum-wheat semolina and water. In other countries, the addition of common wheat flours is permitted. The Consumer, in any case, is always informed by the label of how the pasta is made, and can judge the differences between these two products for himself.

5) What's the difference between semolina pasta and egg pasta?

It depends on whether egg has been added to the dough. Historically, in areas where durum wheat was grown, semolina pasta was made. On the other hand, in places where pasta was made with common wheat (not suitable for obtaining a product which was sufficiently firm), eggs were added to improve its consistency, make it stand up to cooking better and increase its nutrition value.